

**REPORT OF THE AUDIT OF THE
KENTUCKY OFFICE OF INSURANCE
KENTUCKY ACCESS PROGRAM**

**For The Fiscal Year Ended
June 30, 2004**



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
www.auditor.ky.us**

**105 SEA HERO ROAD, SUITE 2
FRANKFORT, KY 40601-5404
TELEPHONE (502) 573-0050
FACSIMILE (502) 573-0067**

EXECUTIVE SUMMARY

**FINANCIAL STATEMENT AUDIT OF THE
KENTUCKY ACCESS PROGRAM**

**For The Fiscal Year Ended
June 30, 2004**

The Auditor of Public Accounts has completed the Kentucky Access Program's audit for the fiscal year ended June 30, 2004. We have issued an unqualified opinion on the basic financial statements taken as a whole. Based upon the audit work performed, the basic financial statements are presented fairly in all material respects.

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CRIT LUALLLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky
Honorable Ernie Fletcher, Governor
Honorable Martin J. Koettters, Executive Director
Kentucky Office of Insurance

Independent Auditor's Report

We have audited the accompanying basic financial statements of the Kentucky Access Program, a component unit of the Commonwealth of Kentucky, for the fiscal year ended June 30, 2004. These financial statements are the responsibility of the Program's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of the Kentucky Access Program as of June 30, 2004, in conformity with accounting principles generally accepted in the United States of America.

The Kentucky Access Program has not presented a Management's Discussion and Analysis (MD&A) as required by the Governmental Accounting Standards Board that accounting principles generally accepted in the United States has determined is necessary to supplement, although not required to be part of, the basic financial statements.

In accordance with Government Auditing Standards, we have also issued our report dated October 6, 2004, on our consideration of the Program's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Respectfully submitted,

A handwritten signature in cursive script, reading "Crit Luallen".

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
October 6, 2004

105 SEA HERO ROAD, SUITE 2
FRANKFORT, KY 40601-5404

TELEPHONE 502.573.0050
FACSIMILE 502.573.0067
WWW.KYAUDITOR.NET

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KENTUCKY OFFICE OF INSURANCE
KENTUCKY ACCESS PROGRAM
BALANCE SHEET/STATEMENT OF NET ASSETS

June 30, 2004

	Special Revenue Fund	Adjustments	Statement of Net Assets
<u>Assets</u>			
Cash and Investments	\$ 38,373,518		\$ 38,373,518
Assessments Receivable	3,409,848		3,409,848
Premium Receivable	103,591		103,591
Interest Receivable	432,142		432,142
Total Assets	<u>\$ 42,319,099</u>		<u>\$ 42,319,099</u>
<u>Liabilities</u>			
Incurred But Not Reported Claims	\$ 7,910,980		\$ 7,910,980
Accounts Payable	565,770		565,770
Unearned Income	992,234		992,234
Premium Application Suspense	146,007		146,007
Total Liabilities	<u>\$ 9,614,991</u>		<u>\$ 9,614,991</u>
<u>Fund Balance/Net Assets</u>			
Fund Balances:			
Reserved	32,704,108	(32,704,108)	0
Total Fund Balance	<u>32,704,108</u>	<u>(32,704,108)</u>	<u>0</u>
Total Liabilities and Fund Balances	<u>\$ 42,319,099</u>		
Net Assets:			
Restricted		<u>32,704,108</u>	<u>32,704,108</u>
Total Net Assets		<u>\$ 32,704,108</u>	<u>\$ 32,704,108</u>

The accompanying notes are an integral part of this financial statement.

KENTUCKY OFFICE OF INSURANCE
KENTUCKY ACCESS PROGRAM
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE/STATEMENT OF ACTIVITIES

For The Fiscal Year Ended June 30, 2004

	Statement of Revenues, Expenditures, and Changes in Fund Balance	Adjustments	Statement of Activities
<u>Revenues</u>			
Tobacco Fund Allocation	\$ 16,855,900		\$ 16,855,900
GAP Assessment Income	9,060,250		9,060,250
Interest Income	298,932		298,932
Premium Income/Charges for Service	<u>13,438,611</u>		<u>13,438,611</u>
Total Revenues	<u>\$ 39,653,693</u>		<u>\$ 39,653,693</u>
<u>Expenditures/Expenses</u>			
Benefits	\$ 22,903,620		\$ 22,903,620
Incurred But Not Reported Claims	2,380,433		2,380,433
Other	<u>1,794,902</u>		<u>1,794,902</u>
Total Expenditures/Expenses	<u>\$ 27,078,955</u>		<u>\$ 27,078,955</u>
Excess of Revenues Over Expenditures/Expenses	\$ 12,574,738		\$ 12,574,738
<u>Fund Balance/Net</u>			
Beginning of the Year	<u>\$ 20,129,370</u>		<u>\$ 20,129,370</u>
End of the Year	<u><u>\$ 32,704,108</u></u>		<u><u>\$ 32,704,108</u></u>

The accompanying notes are an integral part of this financial statement.

KENTUCKY OFFICE OF INSURANCE
KENTUCKY ACCESS PROGRAM
NOTES TO FINANCIAL STATEMENTS

June 30, 2004

Note 1. Description of Organization and Summary of Significant Accounting Policies

A. Organization

The Kentucky Access Program began operations January 1, 2001, by KRS 304.17B-001 to 304.17B-031 for the purpose of implementing a state sponsored "high risk" pool, as well as implementing an acceptable alternative mechanism within the meaning of 42 U.S.C. sec.300gg-44 (a)(1) so that Kentucky may preserve the flexibility over the regulation of health insurance coverage allowed by federal law. The purpose of the Guaranteed Acceptance Program (GAP) is to assist participating insurance companies in recouping losses incurred through insuring individuals who meet the statutory definition of "high risk."

GAP was established April 10, 1998, by KRS 304.17A-400 to 304.17A-480. The GAP fund of \$14,873,831 that existed at January 1, 2001, was transferred to the Kentucky Access Program. GAP is still in existence with approximately 224 insureds and is no longer accepting insureds. GAP will cease to exist when all insureds no longer participate in the program.

B. Organization's Significant Accounting Policies Follow:

1) Basis of Presentation

The Kentucky Access Program (Kentucky Access) is administered by the Kentucky Office of Insurance and is a discretely presented component unit of the Commonwealth of Kentucky. This discretely presented component unit is a special revenue fund that accounts for monies held by the Commonwealth to be distributed for specific operations. In June 1999, the Governmental Accounting Standards Board (GASB) unanimously approved Statement No. 34, "*Basic Financial Statements-and Management's Discussion and Analysis-for State and Local Governments.*" The financial statements include two sets of financial statements: government-wide financial statements and governmental fund financial statements.

2) Measurement Focus/Basis of Accounting

The government-wide financial statements of Kentucky Access (the statement of net assets and the statement of activities) report information on all of the activities of Kentucky Access. The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred.

The special revenue fund is a governmental fund and is accounted for on the modified accrual basis of accounting with a focus on the flow of current financial resources. The governmental fund financial statements (Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balance) have revenues recognized when they become both measurable and available to finance expenditures of the fiscal year. Expenditures are recorded when they are measurable which, generally, is when the related liability is incurred.

An adjustments column is presented within the financial statements to provide reconciliation between the government-wide and governmental fund financial statements.

KENTUCY OFFICE OF INSURANCE
KENTUCKY ACCESS PROGRAM
NOTES TO FINANCIAL STATEMENTS
June 30, 2004
(Continued)

Note 1. Description of Organization and Summary of Significant Accounting Policies (Continued)

3) Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amount of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

4) Revenue Recognition

Funding for Kentucky Access is provided by statute and is composed of appropriations from the Tobacco Settlement Agreement Fund; enrollee premium payments; assessments on insurers; premium taxes collected under KRS Chapter 136 from any insurer and any retaliatory taxes collected under KRS 304.3-270 from any insurer, for accident and health premiums that are in excess of the amount of the premium taxes and retaliatory taxes collected for the calendar year 1997; gifts, grants, or other voluntary contributions; and interest or other earnings on the investment of monies in the Kentucky Access fund.

Revenues for the fiscal year ended June 30, 2004, are composed of: health insurance premiums in the amount of \$13,438,611; a premiums assessment in the amount of \$9,060,250; interest income in the amount of \$298,932; and a tobacco fund allocation of \$16,855,900.

5) Fund Balance/Net Assets

Governmental fund equity is classified as fund balance. Fund balance is further classified as reserved and unreserved, with unreserved further split between restricted and unrestricted. As of year-end, Kentucky Access's fund balance is classified as reserved and restricted.

Government-wide equity is classified as net assets and is restricted for insurers' losses.

6) Budgetary Comparisons

Budgetary comparison schedules will not be presented given that Kentucky Access is included as part of the Office of Insurance budget.

Note 2. Cash and Investments

The Office of Insurance participates in the state's cash and investment pool, which is available for use by all funds under the auspices of the State Investment Commission as authorized under KRS 42.500 et al. At June 30, 2004, the carrying amount of the Kentucky Access Program's deposits was \$38,311,298. In addition, Kentucky Access had \$62,221 in the Lockbox Account awaiting transfer to the program's deposits with the state. The state's bank balance is covered by Federal Depository Insurance or by collateral held by the state or the state's agent in the state's name.

KENTUCKY OFFICE OF INSURANCE
KENTUCKY ACCESS PROGRAM
NOTES TO FINANCIAL STATEMENTS
June 30, 2004
(Continued)

Note 3. Receivables

Receivables at June 30, 2004, were composed of assessments receivable of \$7,984,717 (see note below regarding GAP), interest receivable of \$432,142 from the state pool and premiums receivable of \$103,591 from insureds. The interest receivable represents the amount due to Kentucky Access from the state's cash and investment pool. Under KRS 304.17A-470 (2), all the funds in the program account must be held at interest.

Under GAP, participating insurers are reimbursed up to the amount of their program plan losses from funds of GAP. The GAP participating insurers for the year ended June 30, 2004, were Anthem and Humana. Anthem claimed losses payable for the calendar year 2003 totaling \$2,896,813. Humana's losses amounted to \$1,678,056 for the same period. The assessments receivable amount noted above less the claims losses payable net to \$3,409,848.

Note 4. Liability for Unpaid Claims/Risk Pools

Liabilities for unpaid claims include estimated provisions for both reported and unreported claims incurred. Unpaid liabilities are generally adjusted regularly based on historical experience and include estimates of future trends in claims severity and frequency and other factors, which could vary as the claims are ultimately settled. Kentucky Access has claims experience beginning in March 2001, which is used as a basis in establishing reserves to meet future claims losses. Kentucky Access's outside actuarial consultants have expertise in establishing reserve levels for other high-risk pools and knowledge of the claims experience of GAP. They used that expertise and knowledge to establish claims reserve liabilities in the amount of \$7,910,980 as of June 30, 2004.

In operating under the Division of Kentucky Access in the Office of Insurance, KRS 12.050 and KRS 304.2-060 guides the appointments of an appropriate division director as appointed by the Commissioner of Insurance. Also, the Guaranteed Acceptance Program, as established by KRS 304.17A-400 to 304-17A-480, helps participating insurance companies to recover losses from individuals who met the "high risk" pool category by transferring the funds to Kentucky Access.

Under the program, a referral fee is paid to Kentucky Access. A provider network is then established, or a provider network is created by contracting with an insurer for a statewide provider network. Under KRS 304.17B-011 the established provider network is available and limited only to Kentucky Access enrollees.

A third-party administrator, chosen through the state bidding process, administers Kentucky Access. The administrator develops and establishes policies and procedures for enrolled participants and potential enrollees. However, premium rates charged do not fully cover health care costs; thus, claims exceeding premium rates are covered by the Kentucky Access fund.

KENTUCY OFFICE OF INSURANCE
 KENTUCKY ACCESS PROGRAM
 NOTES TO FINANCIAL STATEMENTS
 June 30, 2004
 (Continued)

Note 4. Liability for Unpaid Claims/Risk Pools (Continued)

Changes in Kentucky Access Program's claims liability amount in Fiscal Years 2004 and 2003 were:

	Fiscal Year 2004	Fiscal Year 2003
Beginning of fiscal year liability	\$ 5,530,547	\$ 5,531
Claims and claims adjustments incurred	4,760,766	5,525,016
Claims and claims adjustment payments	<u>2,380,433</u>	<u></u>
Balance at Fiscal Year End	<u>\$ 7,910,880</u>	<u>\$ 5,530,547</u>

Note 5. Premium Income

Premium income is prorated over the term of the contract, with the earned premium representing the expired term of the policies.

Note 6. Changes In Accounting Principles, Reporting Practices, And Prior-Period Adjustments

The fund balances/net assets as previously reported have been restated or reclassified to conform to generally accepted accounting principles and to correct balances for transactions that were for the prior-period.

Kentucky Access made changes to the beginning fund balance to properly record transactions in the proper period. The net effect of these transactions is a decrease of \$1,883,255.

REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Martin J. Koettters, Executive Director
Kentucky Office of Insurance

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statements Performed In Accordance With Government Auditing Standards

We have audited the accompanying basic financial statements of the Kentucky Access Program for the fiscal year ended June 30, 2004, and have issued our report thereon dated October 6, 2004. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Kentucky Access Program's basic financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Kentucky Access Program's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the basic financial statements and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the basic financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.



Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statements Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
October 6, 2004

